

# Notice of Allowability

Application No.

09/782,773

Examiner

Olisa Anwah

Applicant(s)

KOVALES ET AL.

Art Unit

2645

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 7/28/5.
2. ☒ The allowed claim(s) is/are 24,89,95 and 96.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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**EXAMINER'S AMENDMENT**

**Allowable Subject Matter**

1. Claims 24, 89, 95 and 96 are allowed.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Marcia Doubet on October 17, 2005.

**AMMENDMENT to APPLICATION**

4. The application has been amended as follows:
  - a) Claims 25, 30, 38, 64, 66, 83 and 91-93 have been canceled.
  - b) Replace claim 24 with the following:  
--A method of enhancing voice mail messages by incorporating one or more background sounds which are selected, by a caller who speaks a voice mail message, from a plurality of

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background sounds offered to the caller by a called party's voice mail system, with the voice mail message for playback to a listener, wherein the voice mail message comprises a plurality of message segments, and wherein each of the selected background sounds is associated with one or more of the message segments, further comprising the step of transmitting an address of each of the selected background sounds from a telephone or telephone system used by the caller to the called party's voice mail system to locate a file containing a respective one of the selected background sounds and wherein each address is a Uniform Resource Locator.--

c) Replace claim 89 with the following:

--A computer program product for enhancing voice mail messages for playback to a listener, the computer program product embodied on one or more computer-readable media and comprising:

computer-readable program code means for incorporating one or more background sounds which are selected, by a caller who speaks a voice mail message for a called party, from a plurality of background sounds offered to the caller by the called party's voice mail system, with the voice mail message, wherein the voice mail message comprises a plurality of message segments,

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and wherein each of the selected background sounds is associated with one or more of the message segments; and

computer-readable program code means for transmitting an address of each of the selected background sounds from a telephone or telephone system used by the caller to the called party's voice mail system to locate a file containing a respective one of the selected background sounds and wherein each address is a Uniform Resource Locator.--

d) Please insert the following new claims:

Claim 95: The method according to Claim 24, wherein the plurality of sounds is offered to the caller by transmitting a list of sounds from the called party's voice mail system to the caller's telephone or telephone system.

Claim 96: The method according to Claim 24, wherein the plurality of sounds is offered to the caller by audibly prompting the caller from the called party's voice mail system when the caller speaks the voice mail message.

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### **REASONS FOR ALLOWANCE**

5. The following is an examiner's statement of reasons for allowance:

Ball et al, U.S. Patent No. 6,393,107 (hereinafter Ball) discloses:

A method of enhancing voice mail messages by incorporating one or more selected background sounds with a voice mail message for playback to a listener (121), wherein the voice mail message comprises a plurality of message segments, and wherein each of the selected background sounds is associated with one or more of the message segments, further comprising the step of transmitting an address of each of the selected background sounds from a telephone or telephone system (101) used by a speaker (103) of the voice mail message, wherein each address may be used to locate a file containing a respective one of the selected background sounds and wherein each address is a Uniform Resource Locator (see Table 1 from column 8).

However Ball fails to teach the plurality of background sounds are offered to the caller (103) by a called party's (121) voice mail system (104).

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa

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Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

OA.

Olisa Anwah  
Patent Examiner  
October 20, 2005

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600